

REMARKS

This Response is in reply to the Office Action mailed January 6, 2009. Claims 21-29 and 31-40 were pending in the application with each of the claims being rejected.

Claims 21, 24-27, 29, 34-35 and 39-40 were rejected under 35 USC 103(a) as being unpatentable over US Patent No. 4,934,937 (hereinafter Judd) in combination with US Patent No. 5,903,345 (hereinafter Butler).

Claims 21-28 have been cancelled and rejections to these claims to these claims are now moot.

Claim 29 has been amended to now include that the emitter and vertical support are configured to steadily move the vertical boundary downward while the emitter is rotating during a training exercise from a first vertical level to a lower second vertical level to replicate movement of the heat critical vertical boundary caused by smoke and heat that accumulates during a fire. Support for this amendment is found in the specification at least at: page 1, lines 13-20; page 6, lines 9-13; and originally filed claims 5 and 8.

Judd discloses a combat training system that trains soldiers in the use of firearms under simulated combat conditions. Judd includes an enemy fire simulator with a laser that replicates enemy fire arm usage. Judd does not appear to disclose that the laser emits a signal that steadily moves vertically downward during the course of a training exercise from a first vertical level to a lower second vertical level. Judd replicates firearm usage and therefore would not appear to have any reason to operate in this manner.

Butler discloses a remotely controlled adjustable support stand for positioning a laser scanner at various vertical and angular positions. Butler is used for measuring a horizontal plane and does not appear to include a rotating laser that steadily moves in a vertical direction. Butler does not disclose moving a vertical boundary formed by the emitter downward during a training exercise. Butler discloses the vertical height may be adjusted, but does not appear to disclose that the vertical height can be adjusted while the laser scanner is operating.

Further, neither Judd nor Butler would appear to disclose moving a boundary vertically downward while the laser is rotating. Judd is directed to a system for combat training. This type of training does not include firearm usage that progressively moves vertically downward. Rather, Judd would teach moving sporadically at various vertical and lateral positions to replicate the use of enemy gunfire. Butler does not disclose steadily moving downward as it is directed to a measuring system. There is no reason for this system to steadily move downward as it appears that Butler discloses measuring discrete vertical heights.

Therefore, neither Judd nor Butler either alone or in combination disclose or make obvious the aspects now included within independent claim 29. For at least these reasons, independent claim 29 and dependent claim 34 are not made obvious over this combination.

Claim 35 has been amended to now include replicating an accumulation of smoke and heat that occurs during a fire and moving the rotating emitter downward and thereby also moving the vertical boundary downward and reducing the size of a safety zone formed vertically below the vertical boundary. Support for this amendment is again found at least at: page 1, lines 13-20, page 6, lines 9-13, and originally filed claims 5 and 8. As stated above for independent claim 29, neither Judd nor Butler disclose moving a vertical boundary formed by the rotating emitter downward and reducing the size of the safety zone formed vertically below the vertical boundary. Neither reference discloses these concepts, and does not make these concepts obvious. For at least these reasons, independent claim 35 and dependent claims 39 and 40 are not made obvious over this combination.

Claim 23 was rejected under 35 USC 103(a) as being unpatentable over Judd in combination with Butler and also US Patent No. 5,788,500. Claim 23 has been cancelled and this rejection is now moot.

New claim 41 has been added and includes the step of continuously lowering the rotating emitter and the boundary towards the floor of the room and below a first vertical distance and replicating the accumulation of smoke and heat that build up in the room at later

stages of the fire. The cited references do not disclose these concepts. Support for new claim 41 is found throughout the specification and drawings and specifically at least at: page 1, lines 13-20; page 6, lines 9-13; and originally filed claims 5 and 8.

Claims 36 and 37 have been cancelled.

In view of the above amendments and remarks, the Applicant submits the present application is in condition for allowance, and such action is respectfully requested.

Respectfully submitted,

COATS & BENNETT, P.L.L.C.



David D. Kalish
Registration No.: 42,706

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1400 Crescent Green, Suite 300
Cary, NC 27518
Telephone: (919) 854-1844
Facsimile: (919) 854-2084